

12.02.2021
Court No.28
rpan /08
(Via Video Conference)

C.R.M. 303 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure ;

And

In Re: **Sk. Bosir @ Sk. Bosiruddin**

- Petitioner.

Mr. Milan Mukherjee,

Mr. Kunal Ganguly

....for the Petitioner.

Mr. Sudip Ghosh,

Mr. Apurba Kumar Datta

... for the State.

Apprehending arrest in connection with Parui Police Station Case No. 170 of 2014 dated 16.11.2014 under Sections 147/148/149/302/506 of the Indian Penal Code read with Sections 25/27/35 of the Arms Act, the petitioner has filed the present application.

Mr. Mukherjee, learned senior advocate for the petitioner draws the attention of this Court to the fact that the petitioner was arrested in connection with Parui Police Station case no.121 of 2014 and Parui Police Station case no.195 of 2014 on 31st December, 2014 and the present case was registered on 16th November, 2014. The police authorities had the knowledge regarding the pendency of the instant case but yet he was not shown arrested in connection with this case. He further submits that the case was initiated in the year 2014 and the present First Information Report would go to show that there was a political rivalry existing between the

complainant and the present petitioner and others. The further submission of the learned senior advocate that the petitioner never absconded and has approached this Court with clean hands because it was not within the knowledge of the present petitioner regarding the instant case.

Mr. Ghosh, learned advocate for the State draws the attention of the Court to the different statements of witnesses. The learned advocate also draws the attention regarding the fact that the petitioner was named in the FIR and also in the charge-sheet and according to him, the petitioner has been evading the process of law.

We have perused the materials on record, which include the statements of the witnesses, who have been repeatedly examined. On the basis of subsequent statement of some of the witnesses, some FIR named accused persons have been left out in the charge-sheet.

This is a case for anticipatory bail. Having regard to the fact that the petitioner is not before the Court for a period of five years, we are of the opinion that this is not a fit case for anticipatory bail. As such, the prayer for anticipatory bail of the petitioner is rejected.

The application for anticipatory bail, being CRM 303 of 2021, is, thus, disposed of.

The case diary be returned to Mr. Ghosh, learned advocate for the State.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

